

**TOWN OF FREDERICK, COLORADO  
ORDINANCE NO. 799**

**AN ORDINANCE APPROVING THE FINAL PLAT AND FINAL  
DEVELOPMENT PLAN OF WYNDHAM HILL FILING NO. 1  
SUBDIVISION.**

**WHEREAS**, Frederick Development Company, Inc., Mike Burns, 2500 Arapahoe Avenue, Suite 220, Boulder, CO 80302, has submitted a final plat and final development plan of those certain lands within the Town of Frederick, Colorado, to be known as Wyndham Hill Filing No. 1 Subdivision, under the authority provided by *Article 4, Subdivision Regulations*, of the *Frederick Land Use Code*; and

**WHEREAS**, the Board of Trustees of the Town of Frederick has found the final plat and final development plan to be complete and that good and sufficient reason has been shown to be present to justify the platting of the property; and

**WHEREAS**, the Board of Trustees has determined by Resolution No. 05R41, duly adopted and approved on the 11<sup>th</sup> day of August, 2005, that the proposed Final Plat and Final Development Plan of Wyndham Hill Filing No. 1 Subdivision is compatible with the adjacent land uses, that it conforms with the requirements and standards established in *Article 4, Subdivision Regulations*, and the applicable provision pertaining to waivers of the *Frederick Land Use Code*, and that it preserves the health, safety, welfare and interests of the citizens of the Town of Frederick, Colorado. The property is more particularly described below:

**A parcel of land being located in parts of the east half of Section 33, the south half and northeast quarter of section 34, all in Township 2 North, Range 68 West of the 6<sup>th</sup> P.M., County of Weld. more particularly described in Appendix A.**

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Town of Frederick, Colorado, that:

**Section 1.** That the property owned by Frederick Development Co. Inc., identified as Wyndham Hill Filing No. 1 Subdivision and described in Appendix A, attached and made a part hereof, is now granted Final Plat and Final Development Plan approval in accordance with the provisions of *Chapter 17, Subdivisions*, of the *Frederick Municipal Code*.

**Section 2.** The property is platted in accordance with the final plat and the final development plan and the dedications thereon and other documentation pertaining to the plat of said property presented by the Developer and approved by the Frederick Planning Commission and the Frederick Board of Trustees, and the same are incorporated by reference thereto in this Ordinance. The plat shall not affect the Developer's commitments made in the Annexation Agreement and the Memorandum of Agreement for Public Improvements, except as specifically amended herein.

**Section 3.** The following are conditions for approval of the Wyndham Hill  
Filing No. 1 Subdivision.

1. The final plat shall be in substantial compliance with the preliminary plat as approved by the Board of Trustees. Any and all conditions of approval adopted as part of the preliminary plat shall be reflected on the final plat as they are applicable.
2. All existing gas easements that occur on proposed residential lots shall be vacated prior to recording the final plat. The plat shall reflect the vacation of these easements.
3. Prior to the issuance of building permits for lots 1 – 10, Block 12, Lots 1 – 5, Block 18, Lots 4 – 15, Block 27, Lots 4 – 13, Block 28, Lots 4 – 13, Block 29, Lots 1 – 12, Block 31 and Lot 1, Block 32 a rezoning application to rezone from MU-C-H#52 to the R-1 district must be presented for consideration by the Board of Trustees.
4. Wyndham Hill Parkway must be designed as a collector road, meeting the design requirements within Section 2.9 of the Land Use Code.
5. The final plat shall be revised to reflect the oil and gas well setbacks stipulated within Section 9.8 of the Land Use Code.
6. Prior to the issuance of the first building permit, the Utility Plans, MOAPI, Final Landscape Plan, Final Open Space and Ecological Characterization Plan, Block Diversity Plan, Final Drainage Plan, and Final Grading Plan shall be reviewed and approved.
7. Prior to the issuance of the first building permit, the following items shall be submitted for review and approval by staff:
  - i. Final street lighting plan. A final street lighting plan shall be prepared in conjunction with United Power and the Town. The plan must specify the number, kind and approximate location of streetlights.
  - ii. Maintenance bonds.
  - iii. Special agreements (as may be required by the Town).
  - iv. Work in right-of-way permit (from Town).
  - v. Grading permit (from Town).
  - vi. State highway access permit (from Colorado Department of Transportation).
  - vii. Construction dewatering permit (from Colorado Department of Public Health and Environment).
  - viii. Work in ditch right-of-way permit (from individual ditch companies).
  - ix. General warranty deed. This deed conveys to the Town all public lands other than streets shown on the plat or, in lieu of a deed, a check in an amount to be determined by the Town.
  - x. Improvements guarantee. Cash, certified check or a letter of credit from a bank in Colorado or other acceptable collateral in the amount stipulated to in the

- MOAPI or other agreements or contracts, posted in favor of the Town in an amount sufficient to assure construction of public improvements for either part or all of the plat, as the Board of Trustees shall determine.
- xi. Approved adjudication of water rights and a plan of augmentation (if applicable).
  - xii. Documentation for dedication of public sites for open space or other civic purposes (refer to Section 2.14).
  - xiii. "Clean" final plat for addressing.
8. The final PUD development plan shall be in substantial compliance with the preliminary PUD development plan as approved by the Board of Trustees. Any and all conditions of approval adopted as part of the preliminary PUD development plan shall be reflected on the final PUD development plan as they are applicable.
  9. The final development plan shall be revised and drawn using the final plat as a base. The hatching that indicates the area to be included within Filing 1 shall be removed. Adjacent lots may be 'shadowed' in for reference.
  10. Prior to the issuing of building permits, the applicant shall provide to the Town's attorney a copy of the homeowner's association Articles of Incorporation or Articles of Organization, together with a Certificate of Good Standing. Such documents shall establish the HOA's assumption of obligations to the Town consistent with Applicant's application, representations to the Town and the Final Plat.
  11. Applicant shall comply with Section 2.15 of the *Frederick Land Use Code* (cash-in-lieu/schools) prior to the release of any building permits.
  12. Prior to recording the final plat, the Applicant shall execute Surface Use Agreements with the owners of any mineral interests and shall obtain the approval of the Town Attorney of such surface use agreements.
  13. As a condition of final plat, there must be documentation from each of the ditch companies providing for the abandonment of all ditches, or they must be reflected on the plat.
  14. Prior to recordation of the final plat, a tot lot and picnic tables shall be depicted within the soccer field on the Final Landscape Plan. The MOAPI shall be revised to include cost estimates for all park improvements and the Final Landscape Plan shall be included as an exhibit.
  15. Prior to submitting an application for Filing 2 Final Plat, the applicant shall submit a rezoning request to the Town for review and subsequent consideration by the Planning Commission and Board of Trustees for the land zoned MU-C-H-#52 that is currently proposed for single-family residential use.



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**Section 4. Effective Date.** This ordinance shall become effective thirty (30) days after publication.

**Section 5. Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the ordinance. The Town Board hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more parts, sections, subsections, sentence, clauses or phrases are declared invalid.

**Section 6. Repealer.** All ordinances or resolutions and motions of the Board of Trustees of the Town of Frederick or parts thereof, in conflict with this ordinance are to the extent of such conflict hereby superseded and repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance, resolution or motion, nor revive any ordinance, resolution or motion thereby.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED  
PUBLISHED THIS 11<sup>th</sup> DAY of AUGUST, 2005.**

**ATTEST:**

By   
Nanette S. Fornof, Town Clerk



**TOWN OF FREDERICK**

By   
Eric E. Doering, Mayor

APPENDIX A  
WYNDHAM HILL FILING 1  
LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33 AND THE SOUTH HALF OF SECTION 34, TOWNSHIP 2 NORTH, RANGE 68 WEST OF THE 6TH P.M., TOWN OF FREDERICK, COUNTY OF WELD, COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SECTION 33 FROM WHENCE THE SOUTHEAST CORNER LIES S00°12'06"E, 2,662.86 FEET;  
THENCE N89°38'49"E, 2,107.90 FEET ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 34;  
THENCE S00°12'06"E, 736.49 FEET;  
THENCE S33°10'24"W, 62.47 FEET;  
THENCE 99.10 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 148.00 FEET, A CENTRAL ANGLE OF 38°21'48" AND A CHORD BEARING S71°01'13"E, 97.25 FEET;  
THENCE N89°47'54"E, 27.51 FEET;  
THENCE 39.27 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING N44°47'54"E, 35.36 FEET;  
THENCE N89°47'54"E, 54.00 FEET;  
THENCE 39.27 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING S45°12'06"E, 35.36 FEET;  
THENCE N89°47'54"E, 170.00 FEET;  
THENCE 39.27 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING N44°47'54"E, 35.36 FEET;  
THENCE N89°47'54"E, 54.00 FEET;  
THENCE 39.27 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING S45°12'06"E, 35.36 FEET;  
THENCE N89°47'54"E, 204.66 FEET;  
THENCE 39.27 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING N44°47'54"E, 35.36 FEET;  
THENCE N89°47'54"E, 54.00 FEET;  
THENCE 39.27 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING S45°12'06"E, 35.36 FEET;  
THENCE N89°47'54"E, 85.00 FEET;  
THENCE S00°12'06"E, 438.00 FEET;  
THENCE N89°47'54"E, 382.05 FEET;  
THENCE N00°12'06"W, 35.00 FEET;  
THENCE N89°47'54"E, 110.00 FEET;  
THENCE N85°28'55"E, 54.15 FEET;  
THENCE N89°57'33"E, 110.00 FEET;  
THENCE S40°22'37"E, 28.76 FEET;  
THENCE N48°51'42"E, 165.79 FEET;  
THENCE N37°44'12"E, 58.19 FEET;  
THENCE 45.56 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 104°25'23" AND A CHORD BEARING S78°55'36"E, 39.51 FEET;  
THENCE N48°51'42"E, 356.60 FEET;  
THENCE 60.68 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 139°03'48" AND A CHORD BEARING N20°40'12"W, 46.84 FEET;  
THENCE N66°09'24"E, 95.84 FEET;  
THENCE 29.32 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 67°11'39" AND A CHORD BEARING N84°52'07"E, 27.67 FEET;  
THENCE 219.82 FEET ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT, SAID ARC SUBTENDED BY A RADIUS OF 985.00 FEET, A CENTRAL ANGLE OF 12°47'11" AND A CHORD BEARING N57°39'53"E, 219.36 FEET;  
THENCE 36.64 FEET ALONG THE ARC OF A REVERSE CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 83°57'56" AND A CHORD BEARING N22°04'31"E, 33.45 FEET;  
THENCE N65°13'02"E, 70.31 FEET;  
THENCE 39.40 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°17'59" AND A CHORD BEARING S63°58'14"E, 35.45 FEET;  
THENCE 324.17 FEET ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT, SAID ARC SUBTENDED BY A RADIUS OF 985.00 FEET, A CENTRAL ANGLE OF 18°51'22" AND A CHORD BEARING N80°18'28"E, 322.71 FEET;  
THENCE N89°44'09"E, 131.53 FEET TO THE WESTERLY RIGHT OF WAY OF THE INTERSTATE 25 FRONTAGE ROAD;  
THENCE S00°19'47"E, 70.00 FEET ALONG SAID WESTERLY RIGHT OF WAY;  
THENCE S89°44'09"W, 131.61 FEET;  
THENCE 652.75 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 915.00 FEET, A CENTRAL ANGLE OF 40°52'27" AND A CHORD BEARING S69°17'55"W, 639.00 FEET;  
THENCE S48°51'42"W, 740.27 FEET;  
THENCE 489.42 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, SAID ARC SUBTENDED BY A RADIUS OF 685.00 FEET, A CENTRAL ANGLE OF 40°56'12" AND A CHORD BEARING S69°19'48"W, 479.08 FEET;



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THENCE S89°47'54"W, 1,297.29 FEET;  
THENCE 173.57 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, SAID ARC SUBTENDED BY A  
RADIUS OF 685.00 FEET, A CENTRAL ANGLE OF 14°31'06" AND A CHORD BEARING N82°56'33"W, 173.11 FEET;  
THENCE S00°23'32"E, 32.73 FEET;  
THENCE S89°36'28"W, 1,143.15 FEET;  
THENCE S00°23'32"E, 186.25 FEET;  
THENCE S89°47'54"W, 551.81 FEET;  
THENCE N81°09'46"W, 101.26 FEET;  
THENCE S89°47'05"W, 746.95 FEET;  
THENCE N00°12'06"W, 113.96 FEET;  
THENCE 118.15 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, SAID ARC SUBTENDED BY  
A RADIUS OF 427.00 FEET, A CENTRAL ANGLE OF 15°51'15" AND A CHORD BEARING N74°28'58"W, 117.78 FEET;  
THENCE 94.29 FEET ALONG THE ARC OF A REVERSE CURVE TO THE LEFT, SAID ARC SUBTENDED BY A  
RADIUS OF 373.00 FEET, A CENTRAL ANGLE OF 14°28'59" AND A CHORD BEARING N73°47'51"W, 94.04 FEET;  
THENCE 48.85 FEET ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT, SAID ARC SUBTENDED BY A  
RADIUS OF 79.00 FEET, A CENTRAL ANGLE OF 35°25'53" AND A CHORD BEARING N63°19'24"W, 48.08 FEET;  
THENCE S89°47'54"W, 133.54 FEET;  
THENCE N00°12'06"W, 395.00 FEET;  
THENCE S89°47'54"W, 105.00 FEET;  
THENCE 39.27 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A  
RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING S44°47'54"W, 35.36 FEET;  
THENCE S89°47'54"W, 54.00 FEET;  
THENCE 39.27 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A  
RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING N45°12'06"W, 35.36 FEET;  
THENCE S89°47'54"W, 170.00 FEET;  
THENCE 39.27 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A  
RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING S44°47'54"W, 35.36 FEET;  
THENCE S89°47'54"W, 54.00 FEET;  
THENCE N00°12'06"W, 52.00 FEET;  
THENCE 92.23 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, SAID ARC SUBTENDED BY A  
RADIUS OF 527.00 FEET, A CENTRAL ANGLE OF 10°01'37" AND A CHORD BEARING N04°48'43"E, 92.11 FEET;  
THENCE 43.65 FEET ALONG THE ARC OF A REVERSE CURVE TO THE LEFT, SAID ARC SUBTENDED BY A  
RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 100°01'37" AND A CHORD BEARING N40°11'17"W, 38.31 FEET;  
THENCE N20°50'43"E, 57.86 FEET;  
THENCE 36.39 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A  
RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 83°23'25" AND A CHORD BEARING N48°06'11"E, 33.26 FEET;  
THENCE 54.57 FEET ALONG THE ARC OF A COMPOUND CURVE TO THE LEFT, SAID ARC SUBTENDED BY A  
RADIUS OF 473.00 FEET, A CENTRAL ANGLE OF 06°36'35" AND A CHORD BEARING N03°06'11"E, 54.54 FEET;  
THENCE N00°12'06"W, 241.82 FEET;  
THENCE S89°47'54"W, 110.00 FEET;  
THENCE N00°12'06"W, 305.00 FEET;  
THENCE S89°47'54"W, 47.81 FEET;  
THENCE N00°02'06"W, 278.63 FEET;  
THENCE N89°57'46"E, 1,760.58 FEET ALONG THE NORTHERLY LINE OF THE  
SOUTHEAST QUARTER OF SECTION 33 TO THE POINT OF BEGINNING,  
CONTAINING 152.94 ACRES, SUBJECT TO ANY RIGHTS OF WAY.

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**TOWN OF FREDERICK, COLORADO  
RESOLUTION NO. 05R41**

**A RESOLUTION REGARDING THE REVIEW OF THE FINAL PLAT  
AND FINAL DEVELOPMENT PLAN OF WYNDHAM HILL FILING NO.  
1 SUBDIVISION AND ADOPTING CERTAIN FINDINGS OF FACT AND  
CONCLUSIONS FAVORABLE TO THE FINAL PLAT AND FINAL  
DEVELOPMENT PLAN.**

WHEREAS, the Board of Trustees of the Town of Frederick, Colorado, on Thursday, August, 11, 2005 reviewed the application of Frederick Development Company, Inc., Mike Burns, 2500 Arapahoe Avenue, Suite 220, Boulder, CO 80302, for the Final Plat and Final Development Plan Filing No. 1 of the following real property; to wit:

**A parcel of land being located in parts of the east half of Section 33, the south half and northeast quarter of section 34, all in Township 2 North, Range 68 West of the 6<sup>th</sup> P.M., County of Weld. more particularly described in Appendix A.**

**BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF  
FREDERICK, COLORADO, AS FOLLOWS:**

**Section 1. Findings of Fact.**

- a. The applicant's application and supporting documents are in substantial compliance with *Article 4, Subdivision Regulations*, of the *Frederick Land Use Code*.
- b. The Final Plat and Final Development Plan application was submitted within twelve months of the approval of the Preliminary Plat.
- c. The Final Plat and Final Development Plan are in general conformance with the Preliminary Plat and Preliminary Development Plan including those modifications or conditions specified by the Board of Trustees.
- d. The Final Plat and Final Development Plan are compatible with adjacent land uses and conforms with the requirements and standards established in *Article 4, Subdivision Regulations*, of the *Frederick Land Use Code*.
- e. A satisfactory Memorandum of Agreement for Public Improvements (MOAPI) has been prepared, or will be completed prior to the recording of the Final Plat.
- f. The Final Plat and Final Development Plan as proposed preserves the health, safety, welfare and interest of the citizens of the Town of Frederick, Colorado.

**Section 2. Conclusions and Order Approving the Final Plat and Final Development**

Plan of the Wyndham Hill Subdivision Filing No. 1.

- a. The proposed Wyndham Hill Subdivision filing No. 1 complies with the applicable sections of *Article 4, Subdivision Regulations*, of the *Frederick Land Use Code*.
- b. A detailed Memorandum of Agreement for Public Improvements (MOAPI) shall be prepared and signed before the platting process is completed.
- c. Final plat approval shall be conditioned upon the following:
  1. The following conditions imposed by 05R41:
    - a. Prior to recordation of the final plat for Phase I, the adopted Sketch PUD mylars shall be submitted to the Town. These mylars shall address the conditions of approval placed on the Sketch PUD.
    - b. Single Family residential is not an allowable use in the M-U-CH Hwy. #52 Zone district. Those lots located within the M-U-CH Hwy. #52 Zone district that are currently proposed as single family residential must be rezoned prior to issuance of a building permit..
    - c. The PDP site plan shall be amended to provide direct pedestrian connections from Saratoga Trail and Walnut Grove Way into the adjoining MU-C-H#52 parcels.
    - d. Please provide evidence that the Community Ditch and Erie Coal Ditch have been vacated.
    - e. Prior to approval of the final plat for Phase I, the applicant shall enter into surface use agreements with mineral rights owners encumbered by the final plat.
    - f. Landscaping within common areas shall be provided, including Outlots A, B, C, D, UU, SS, NN, O, OO, LL, MM, M, JJ, FF, GG, HH, N, P, R, VV, FFF, XX, YY, GGG, HHH, OOO, TTT, BBB, UUU, KK, RR (excluding areas within oil and gas facility buffers). Such landscaping shall consist of a minimum of 1 canopy tree/5,000 sq. ft. of lot area, 1 evergreen tree/5,000 sq.ft. of lot area, one large shrub (mature height over 8 feet) or ornamental tree/3,000 sq.ft. of lot area and one small shrub (mature height less than 8 feet)/3,000 sq.ft. of lot area. These numbers are in addition to other landscape requirements which may apply to each lot and must substantially comply with concepts included within the adopted sketch PUD. The preliminary landscape plan shall be amended to show this landscaping.
    - g. Landscaping within common open space tracts adjacent to local and collector streets will need to be provided as well. Outlots QQ, TT, X, Y, L, R, T, V, Z, EE, DD, AA, BB, AAA, EEE, DDD, CCC, III, LLL, KKK, JJJ, MMM, NNN will need to be landscaped with irrigated turf



and a minimum of 1 shrub/300 sq.ft. of lot area. The preliminary landscape plan shall be amended to reflect this landscaping.

- h. Landscaping within common open space areas shall be included in exclusive landscape easements to be shown on the preliminary and final plats.
- i. Outlots I, J, HH and VV serve as landscape buffers to adjacent residential properties. These areas must be landscaped with trees, shrubs and groundcovers. A minimum of four evergreen trees/100 linear feet of buffer length, three canopy trees/100 feet of buffer length, 4 ornamental trees/100 feet of buffer length and 5 shrubs/100 feet of buffer length shall be provided within these open space tracts for screening and buffering. The preliminary landscape plan shall be amended to reflect this additional landscaping.
- j. 'Dry land seed' compositions and sod types will need to be included on the landscape plan.
- k. Street names will need to be included on the landscape plan.
- l. Add a lot typical delineating the requirement for groundcover – the front yard setback of each home may have a combination of irrigated and native grasses and wildflowers as appropriate to design of the individual home. Graphically depict a minimum of 75% live material between the front of the house and the edge of roadway. Ten shrubs shall be included in the front yard setback of each home. (Section 2.26 c 4.a 1 & 2). The preliminary landscape plan shall be amended to reflect this additional landscaping.
- m. Landscape buffering will need to occur between the rear of lots 1- 10, Block 12, Lots 1-8, Block 74 and Lots 1-6, Block 15 according to Section 2.17.
- n. Notes on the landscape plan will need to be included on the plan demonstrating how individual trees within each lot will typically be located and planted.
- o. The actual color palette (colors of the house) as a color document will need to be included as part of the Block Diversity Plan
- p. The number of front facing three-car garages shall be limited to no more than two per block face. If there are six lots or less per block, then only one per block face. The Block Diversity Plan shall be amended to reflect this condition.
- q. Residential parking areas shall not be permitted from the back of right-of-way to the front or side of the dwelling.
- r. Prior to the submission of the final plat for Filing II, the applicant shall provide verification that the proposed school site (Tract I) is free and clear of all liens and encumbrances, including oil well sites and gas lines and easements.
- s. Street lighting and associated underground street lighting supply circuits shall be installed and noted on the sketch plan/preliminary

- plat. The minimum requirement shall be 250-watt sodium vapor lamps at a maximum spacing of 400 feet for local streets. Light fixtures shall be mounted on concrete, fiberglass or painted metal poles no higher than 16 feet from the ground.
- t. Prior to sketch plan/preliminary plat approval, all lots adjacent to arterials including CR 16 shall maintain a minimum 50-foot side yard setback to the adjacent right-of-way.
  - u. The application for Wyndham Hill is subject to the Lower Boulder Ditch Company's approval of storm drainage arrangements on the portion of the project that drains toward their irrigation ditch.
  - v. As a condition of final plat, there must be documentation from each of the ditch companies providing for the abandonment of those ditches, or they must be reflected on the plat.
2. The final plat shall be in substantial compliance with the preliminary plat as approved by the Board of Trustees. Any and all conditions of approval adopted as part of the preliminary plat shall be reflected on the final plat as they are applicable.
  3. All existing gas easements that occur on proposed residential lots shall be vacated prior to recording the final plat. The plat shall reflect the vacation of these easements.
  4. Prior to the issuance of building permits for lots 1 – 10, Block 12, Lots 1 – 5, Block 18, Lots 4 – 15, Block 27, Lots 4 – 13, Block 28, Lots 4 – 13, Block 29, Lots 1 – 12, Block 31 and Lot 1, Block 32 a rezoning application to rezone from MU-C-H#52 to the R-1 district must be presented for consideration by the Board of Trustees.
  5. Wyndham Hill Parkway must be designed as a collector road, meeting the design requirements within Section 2.9 of the Land Use Code.
  6. The final plat shall be revised to reflect the oil and gas well setbacks stipulated within Section 9.8 of the Land Use Code.
  7. Prior to the issuance of the first building permit, the Utility Plans, MOAPI, Final Landscape Plan, Final Open Space and Ecological Characterization Plan, Block Diversity Plan, Final Drainage Plan, and Final Grading Plan shall be reviewed and approved.
  8. Prior to the issuance of the first building permit, the following items shall be submitted for review and approval by staff:
    - i. Final street lighting plan. A final street lighting plan shall be prepared in conjunction with United Power and the Town. The plan must specify the number, kind and approximate location of streetlights.
    - ii. Maintenance bonds.
    - iii. Special agreements (as may be required by the Town).
    - iv. Work in right-of-way permit (from Town).
    - v. Grading permit (from Town).

- vi. State highway access permit (from Colorado Department of Transportation).
  - vii. Construction dewatering permit (from Colorado Department of Public Health and Environment).
  - viii. Work in ditch right-of-way permit (from individual ditch companies).
  - ix. General warranty deed. This deed conveys to the Town all public lands other than streets shown on the plat or, in lieu of a deed, a check in an amount to be determined by the Town.
  - x. Improvements guarantee. Cash, certified check or a letter of credit from a bank in Colorado or other acceptable collateral in the amount stipulated to in the MOAPI or other agreements or contracts, posted in favor of the Town in an amount sufficient to assure construction of public improvements for either part or all of the plat, as the Board of Trustees shall determine.
  - xi. Approved adjudication of water rights and a plan of augmentation (if applicable).
  - xii. Documentation for dedication of public sites for open space or other civic purposes (refer to Section 2.14).
  - xiii. "Clean" final plat for addressing.
9. The final PUD development plan shall be in substantial compliance with the preliminary PUD development plan as approved by the Board of Trustees. Any and all conditions of approval adopted as part of the preliminary PUD development plan shall be reflected on the final PUD development plan as they are applicable.
  10. The final development plan shall be revised and drawn using the final plat as a base. The hatching that indicates the area to be included within Filing 1 shall be removed. Adjacent lots may be 'shadowed' in for reference.
  11. Prior to the issuing of building permits, the applicant shall provide to the Town's attorney a copy of the homeowner's association Articles of Incorporation or Articles of Organization, together with a Certificate of Good Standing. Such documents shall establish the HOA's assumption of obligations to the Town consistent with Applicant's application, representations to the Town and the Final Plat.
  12. Applicant shall comply with Section 2.15 of the *Frederick Land Use Code* (cash-in-lieu/schools) prior to the release of any building permits.
  13. Prior to recording the final plat, the Applicant shall execute Surface Use Agreements with the owners of any mineral interests and shall obtain the approval of the Town Attorney of such surface use agreements.
  14. As a condition of final plat, there must be documentation from each of the ditch companies providing for the abandonment of all ditches, or they must be reflected on the plat.



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15. Prior to recordation of the final plat, a tot lot and picnic tables shall be depicted within the soccer field on the Final Landscape Plan. The MOAPI shall be revised to include cost estimates for all park improvements and the Final Landscape Plan shall be included as an exhibit.

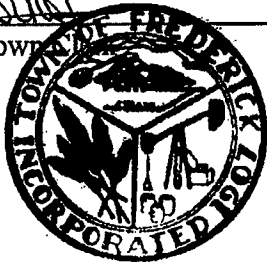
16. Prior to submitting an application for Filing 2 Final Plat, the applicant shall submit a rezoning request to the Town for review and subsequent consideration by the Planning Commission and Board of Trustees for the land zoned MU-C-H-#52 that is currently proposed for single-family residential use.

- d. That the proposed Final Plat and Final Development Plan of Wyndham Hill Subdivision Filing No. 1, subject to the above conditions, should be granted approval.

**INTRODUCED, READ, PASSED, AND SIGNED THIS 11<sup>th</sup> DAY OF AUGUST, 2005.**

**ATTEST:**

By Nanette S. Fornof  
Nanette S. Fornof, Town Clerk



**TOWN OF FREDERICK**

By Eric E. Doering  
Eric E. Doering, Mayor



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APPENDIX A  
WYNDHAM HILL FILING 1  
LEGAL DESCRIPTION

A PARCEL OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 33 AND THE SOUTH HALF OF SECTION 34, TOWNSHIP 2 NORTH, RANGE 68 WEST OF THE 6TH P.M., TOWN OF FREDERICK, COUNTY OF WELD, COLORADO, DESCRIBED AS FOLLOWS:

BEGINNING AT THE EAST QUARTER CORNER OF SECTION 33 FROM WHENCE THE SOUTHEAST CORNER LIES S00°12'06"E, 2,662.86 FEET;  
THENCE N89°38'49"E, 2,107.90 FEET ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER OF SECTION 34;  
THENCE S00°12'06"E, 736.49 FEET;  
THENCE S33°10'24"W, 62.47 FEET;  
THENCE 99.10 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 148.00 FEET, A CENTRAL ANGLE OF 38°21'48" AND A CHORD BEARING S71°01'13"E, 97.25 FEET;  
THENCE N89°47'54"E, 27.51 FEET;  
THENCE 39.27 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING N44°47'54"E, 35.36 FEET;  
THENCE N89°47'54"E, 54.00 FEET;  
THENCE 39.27 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING S45°12'06"E, 35.36 FEET;  
THENCE N89°47'54"E, 170.00 FEET;  
THENCE 39.27 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING N44°47'54"E, 35.36 FEET;  
THENCE N89°47'54"E, 54.00 FEET;  
THENCE 39.27 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING S45°12'06"E, 35.36 FEET;  
THENCE N89°47'54"E, 204.66 FEET;  
THENCE 39.27 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING N44°47'54"E, 35.36 FEET;  
THENCE N89°47'54"E, 54.00 FEET;  
THENCE 39.27 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING S45°12'06"E, 35.36 FEET;  
THENCE N89°47'54"E, 85.00 FEET;  
THENCE S00°12'06"E, 438.00 FEET;  
THENCE N89°47'54"E, 382.05 FEET;  
THENCE N00°12'06"W, 35.00 FEET;  
THENCE N89°47'54"E, 110.00 FEET;  
THENCE N85°28'55"E, 54.15 FEET;  
THENCE N89°57'33"E, 110.00 FEET;  
THENCE S40°22'37"E, 28.76 FEET;  
THENCE N48°51'42"E, 165.79 FEET;  
THENCE N37°44'12"E, 58.19 FEET;  
THENCE 45.56 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 104°25'23" AND A CHORD BEARING S78°55'36"E, 39.51 FEET;  
THENCE N48°51'42"E, 356.60 FEET;  
THENCE 60.68 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 139°03'48" AND A CHORD BEARING N20°40'12"W, 46.84 FEET;  
THENCE N66°09'24"E, 95.84 FEET;  
THENCE 29.32 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 67°11'39" AND A CHORD BEARING N84°52'07"E, 27.67 FEET;  
THENCE 219.82 FEET ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT, SAID ARC SUBTENDED BY A RADIUS OF 985.00 FEET, A CENTRAL ANGLE OF 12°47'11" AND A CHORD BEARING N57°39'53"E, 219.36 FEET;  
THENCE 36.64 FEET ALONG THE ARC OF A REVERSE CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 83°57'56" AND A CHORD BEARING N22°04'31"E, 33.45 FEET;  
THENCE N65°13'02"E, 70.31 FEET;  
THENCE 39.40 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°17'59" AND A CHORD BEARING S63°58'14"E, 35.45 FEET;  
THENCE 324.17 FEET ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT, SAID ARC SUBTENDED BY A RADIUS OF 985.00 FEET, A CENTRAL ANGLE OF 18°51'22" AND A CHORD BEARING N80°18'28"E, 322.71 FEET;  
THENCE N89°44'09"E, 131.53 FEET TO THE WESTERLY RIGHT OF WAY OF THE INTERSTATE 25 FRONTAGE ROAD;  
THENCE S00°19'47"E, 70.00 FEET ALONG SAID WESTERLY RIGHT OF WAY;  
THENCE S89°44'09"W, 131.61 FEET;  
THENCE 652.75 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A RADIUS OF 915.00 FEET, A CENTRAL ANGLE OF 40°52'27" AND A CHORD BEARING S69°17'55"W, 639.00 FEET;  
THENCE S48°51'42"W, 740.27 FEET;  
THENCE 489.42 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, SAID ARC SUBTENDED BY A RADIUS OF 885.00 FEET, A CENTRAL ANGLE OF 40°56'12" AND A CHORD BEARING S69°19'48"W, 479.08 FEET;



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THENCE S89°47'54"W, 1,297.29 FEET;  
THENCE 173.57 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, SAID ARC SUBTENDED BY A  
RADIUS OF 685.00 FEET, A CENTRAL ANGLE OF 14°31'06" AND A CHORD BEARING N82°56'33"W, 173.11 FEET;  
THENCE S00°23'32"E, 32.73 FEET;  
THENCE S89°36'28"W, 1,143.15 FEET;  
THENCE S00°23'32"E, 186.25 FEET;  
THENCE S89°47'54"W, 551.81 FEET;  
THENCE N81°09'48"W, 101.26 FEET;  
THENCE S89°47'05"W, 746.95 FEET;  
THENCE N00°12'06"W, 113.98 FEET;  
THENCE 118.15 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE RIGHT, SAID ARC SUBTENDED BY  
A RADIUS OF 427.00 FEET, A CENTRAL ANGLE OF 15°51'15" AND A CHORD BEARING N74°28'58"W, 117.78 FEET;  
THENCE 94.29 FEET ALONG THE ARC OF A REVERSE CURVE TO THE LEFT, SAID ARC SUBTENDED BY A  
RADIUS OF 373.00 FEET, A CENTRAL ANGLE OF 14°28'59" AND A CHORD BEARING N73°47'51"W, 94.04 FEET;  
THENCE 48.85 FEET ALONG THE ARC OF A REVERSE CURVE TO THE RIGHT, SAID ARC SUBTENDED BY A  
RADIUS OF 79.00 FEET, A CENTRAL ANGLE OF 35°25'53" AND A CHORD BEARING N63°19'24"W, 48.08 FEET;  
THENCE S89°47'54"W, 133.54 FEET;  
THENCE N00°12'06"W, 395.00 FEET;  
THENCE S89°47'54"W, 105.00 FEET;  
THENCE 39.27 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A  
RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING S44°47'54"W, 35.36 FEET;  
THENCE S89°47'54"W, 54.00 FEET;  
THENCE 39.27 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A  
RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING N45°12'06"W, 35.36 FEET;  
THENCE S89°47'54"W, 170.00 FEET;  
THENCE 39.27 FEET ALONG THE ARC OF A TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A  
RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 90°00'00" AND A CHORD BEARING S44°47'54"W, 35.36 FEET;  
THENCE S89°47'54"W, 54.00 FEET;  
THENCE N00°12'06"W, 52.00 FEET;  
THENCE 92.23 FEET ALONG THE ARC OF A TANGENT CURVE TO THE RIGHT, SAID ARC SUBTENDED BY A  
RADIUS OF 527.00 FEET, A CENTRAL ANGLE OF 10°01'37" AND A CHORD BEARING N04°48'43"E, 92.11 FEET;  
THENCE 43.65 FEET ALONG THE ARC OF A REVERSE CURVE TO THE LEFT, SAID ARC SUBTENDED BY A  
RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 100°01'37" AND A CHORD BEARING N40°11'17"W, 38.31 FEET;  
THENCE N20°50'43"E, 57.86 FEET;  
THENCE 36.39 FEET ALONG THE ARC OF A NON-TANGENT CURVE TO THE LEFT, SAID ARC SUBTENDED BY A  
RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 83°23'25" AND A CHORD BEARING N48°06'11"E, 33.26 FEET;  
THENCE 54.57 FEET ALONG THE ARC OF A COMPOUND CURVE TO THE LEFT, SAID ARC SUBTENDED BY A  
RADIUS OF 473.00 FEET, A CENTRAL ANGLE OF 06°36'35" AND A CHORD BEARING N03°06'11"E, 54.54 FEET;  
THENCE N00°12'06"W, 241.82 FEET;  
THENCE S89°47'54"W, 110.00 FEET;  
THENCE N00°12'06"W, 305.00 FEET;  
THENCE S89°47'54"W, 47.81 FEET;  
THENCE N00°02'08"W, 278.63 FEET;  
THENCE N89°57'46"E, 1,760.58 FEET ALONG THE NORTHERLY LINE OF THE  
SOUTHEAST QUARTER OF SECTION 33 TO THE POINT OF BEGINNING,  
CONTAINING 152.94 ACRES, SUBJECT TO ANY RIGHTS OF WAY.